

Offeree:

Charles Alexander Davis
c/o J.N. Lawrence, Notary
1635 North Greenfield Road, Ste. 126
Mesa, Arizona [85205]
Non-domestic without the U.S.
Phone: (480) 323-6775
Email: joelaw2103@gmail.com

THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION

FILED
CHARLOTTE, NC

In RE:
UNITED STATES OF AMERICA,
Plaintiff,
AND

CASE NO. 5:11-cr-00032

JUL 16 2012

U.S. DISTRICT COURT
WESTERN DISTRICT OF NC

CHARLES A. DAVIS
Defendant.

NOTICE

**CONSTRUCTIVE NOTICE OF CONDITIONAL ACCEPTANCE TO
PRESENTENCE INVESTIGATION REPORT SUBMITTED BY CARYL A.
CANELLA ON JULY 5TH, 2012, in Case No. 5:11-cr-00032, in THE UNITED
STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH
CAROLINA STATESVILLE DIVISION**

Notice is hereby given that a **CONSTRUCTIVE NOTICE OF CONDITIONAL
ACCEPTANCE OF PRESENTENCE INVESTIGATION REPORT SUBMITTED BY CARYL A.
CANELLA ON JULY 5TH, 2012, in Case No: 5:11-cr-00032, in THE UNITED STATES
DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE
DIVISION**, a copy attached hereto as "EXHIBIT 1" is given to Caryl A. Canella, U.S. Probation
Officer, c/o UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH
CAROLINA STATESVILLE DIVISION, 401 West Trade Street, Charlotte, NC 28202, this 10th
day of July A.D. 2012.

Executed without the United States in Caldwell County, North Carolina republic, this
tenth day of the seventh month in the year of our Lord, two-thousand and twelve.

In Witness Whereof, I have hereunto set my hand and seal.

Charles A. Davis

Charles Alexander Davis, Secured Party Creditor
Executive Trustee for the Trust
CHARLES A. DAVIS

EXHIBIT 1

Offeree:

Charles Alexander Davis
c/o J.N. Lawrence, Notary
1635 North Greenfield Road, Suite 126
Mesa, Arizona [85205]
Non-Domestic without the United States
Phone: (480) 323-6775
Email: joelaw2103@gmail.com

CERTIFIED COPY

I hereby certify the foregoing document to which this seal has been affixed consisting of 06 pages(s) to be a complete, true and correct copy of the original on file and of record in the office of JN Lawrence.

By: J. Lawrence
Date: July 10, 2012

(THIS STAMP MUST BE RED)

THIS IS A PRIVATE COMMUNICATION BETWEEN THE PARTIES
NOTICE TO AGENT IS NOTICE TO PRINCIPAL--- NOTICE TO PRINCIPAL IS NOTICE TO AGENT
(Applicable to all Successors and Assigns)

NOTICE

CONSTRUCTIVE NOTICE OF CONDITIONAL ACCEPTANCE OF
PRESENTENCE INVESTIGATION REPORT SUBMITTED BY CARYL A. CANELLA
ON JULY 5th, 2012, IN CASE NO: 5:11-CR-00032-RLV, UNITED STATE DISTRICT COURT,
WESTERN DISTRICT OF NORTH CAROLINA, STATESVILLE DIVISION

Date: 10 July 2012

To: Offeror:

Caryl A. Canella, U.S. Probation Officer
c/o UNITED STATES DISTRICT COURT FOR THE WESTERN
DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION
401 West Trade Street
Charlotte, North Carolina 28202

Service by: USPS "Certificate of Mailing" (PS Form 3877)

Re: Presentence Investigation Report submitted on July 5, 2012, in Case No.: 5:11-cr-00032-RLV, in THE UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF NORTH CAROLINA, STATESVILLE DIVISION.

Comes now Charles Alexander Davis, as Paramount Security Interest holder in all property and collateral both registered and unregistered belonging to the Defendant, CHARLES A. DAVIS, and also an Accommodation Party, hereinafter "Offeree". The Offeree is in receipt of a Presentence Investigation Report submitted on July 5, 2012, in Case No.: 5:11-cr-00032-

RLV, in THE UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF NORTH CAROLINA, STATESVILLE DIVISION, a copy attached hereto and incorporated herein as "Exhibit A", hereinafter "Offer", from Caryl A. Canella, U.S. Probation Officer, c/o UNITED STATES DISTRICT COURT, FOR THE WESTERN DISTRICT OF NORTH CAROLINA, STATESVILLE DIVISION, 401 West Trade Street, Charlotte, North Carolina 28202, hereinafter "Offeror".

The Offeree conditionally accepts the Offeror's Offer upon proof of claim that:

1. The Offeror will produce the original charging or accusatory instrument in the matter to the Undersigned Accommodation Party for the Undersigned's inspection so that the Accommodation Party can provide a remedy to this Court forthwith making the offer moot, and;
2. Failure to produce the original charging or accusatory instrument for the Undersigned's inspection and processing does not constitute a substantive and procedural denial of due process of law and equal protection of law thereby estopping this Court from proceeding on the sentencing of the Defendant CHARLES A. DAVIS pursuant to the presentence investigation report or in the alternative, said sentencing is executed, that the prosecutor in this case shall be personally converted to all liability of the Accommodation Party and the Defendant CHARLES A. DAVIS in this case and also personally converted to damages and penalties to the Defendant in the amount of 50,000 United States dollars per day or any portion thereof as long as a collateral belonging to the Defendant is detained as surety for any findings of fact or conclusions of law in a sentencing of this Court of any sentencing of the Defendant in this Court

Thank you for your assistance in this matter.

Executed without the United States in North Carolina Republic, Caldwell County, this tenth day of the seventh month in the year of our Lord, two thousand and twelve.

In Witness Whereof, I have hereunto set my hand and seal.

Charles A. Davis
Charles Alexander Davis, Paramount Security
Interest Holder, Executive Trustee for U.S.
trust CHARLES A. DAVIS.
ALL RIGHTS RESERVED

Please direct responses to third party public witness:

J.N. Lawrence, Notary
1635 North Greenfield Road, Suite 126
Mesa, Arizona [85205]
Non-Domestic without the United States
Phone: (480) 323-6775
Email: joelaw2103@gmail.com

Enclosures: PRESENTENCE INVESTIGATION REPORT received in the mail from probation department and also PRESENTENCE INVESTIGATION REPORT from the jail hand delivered.

cc:

Chief Financial Officer
c/o UNITED STATES DISTRICT COURT FOR THE WESTERN
DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION
401 West Trade Street
Charlotte, North Carolina 28202

RAHWA-GBRE-EGZIABHER/Successors and Assigns, etc.
c/o Federal Public Defenders Office
129 West Trade Street, Suite #300
Charlotte, NC 28202
Phone: (704) 374-0720
Email: Rahwa_Gbre-Egziabher@fd.org

Jonathan Richard Marx
U.S. Department of Justice
601 D. Street NW
Room 7924
Washington, DC 20004
Phone: (202) 307-3901
Fax: (202) 514-0961
Email: jonathan.r.marx@usdoj.gov

Jenny Grus Sugar, Assistant U.S. Attorney
227 W. Trade Street, Suite 1650
Charlotte, NC 28202
Phone: (704) 344-6222
Email: jenny.sugar@usdoj.gov

CLERK OF COURT (Case No. 5:11-cr-0032-RLV)
c/o UNITED STATES DISTRICT COURT FOR THE WESTERN
DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION
401 West Trade Street

Charlotte, North Carolina 28202

Todd Kostyshak, US Attorney's Office
Carillon Bldg, Suite 1700
227 West Trade Street
Charlotte, NC 28202
Phone: (704) 344-6222
Email: todd.kostyshak@usdoj.gov

Beverly L. Morgan, Supervising U.S. Probation Officer
c/o UNITED STATES DISTRICT COURT FOR THE WESTERN
DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION
401 West Trade Street
Charlotte, North Carolina 28202

Lisa Rockholt, Paralegal
Federal Defenders of WNC
129 West Trade Street, Suite 300
Charlotte, NC 28202

All serviced by: USPS "Certificate of Mailing" (PS form 3877)

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AFFIDAVIT OF SPECIFIC NEGATIVE AVERMENT

The Offeree Affiant, Charles Alexander Davis, hereinafter "Affiant", does solemnly affirm, declare and state as follows:

1. Affiant is competent to state the matters set forth herein;
2. Affiant has knowledge of the facts stated herein;
3. All the facts herein stated are true, correct and complete, admissible as evidence. If called upon as witnesses, Affiant will testify to their veracity;
4. There is no evidence that the Offeree is not a friend of THIS COURT, and Affiant believes none exists;
5. There is no evidence that does not comes now Charles Alexander Davis, as Paramount Security Interest holder in all property and collateral both registered and unregistered belonging to the Defendant, CHARLES A. DAVIS, and also an Accommodation Party, hereinafter "Offeree". The Offeree is in receipt of a Presentence Investigation Report submitted on July 5, 2012, in Case No.: 5:11-cr-00032-RLV, in THE UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF NORTH CAROLINA, STATESVILLE DIVISION, a copy attached hereto and incorporated herein as "Exhibit A", hereinafter "Offer", from Caryl A. Canella, U.S. Probation Officer, c/o UNITED STATES DISTRICT COURT, FOR THE WESTERN DISTRICT OF NORTH CAROLINA, STATESVILLE DIVISION, 401 West Trade Street, Charlotte, North Carolina 28202, hereinafter "Offeror", and Affiant believes none exists;
6. There is no evidence that the Offeror will not produce the original charging or accusatory instrument in the matter to the Undersigned Accommodation Party for the Undersigned's inspection so that the Accommodation Party can provide a remedy to this Court forthwith making the offer moot, and Affiant believes none exists, and;
7. There is no evidence that failure to produce the original charging or accusatory instrument for the Undersigned's inspection and processing does not constitute a substantive and procedural denial of due process of law and equal protection of law thereby estopping this Court from proceeding on the sentencing of the Defendant CHARLES A. DAVIS pursuant to the presentence investigation report or in the alternative, said sentencing is executed, that the prosecutor in this case shall be personally converted to all liability of the Accommodation Party and the Defendant CHARLES A. DAVIS in this case and also personally converted to damages and penalties to the Defendant in the amount of 50,000 United States dollars per day or any portion thereof as long as a collateral belonging to the

Defendant is detained as surety for any findings of fact or conclusions of law in a sentencing of this Court or any sentencing of the Defendant in this Court, and Affiant believes none exists.

Thank you for your assistance in this matter.

Commercial Affirmation and Verification

Caldwell County)
North Carolina Republic) affirmed and subscribed:
United States of America)

I, Charles Alexander Davis, Secured Party Creditor, under my unlimited liability and Commercial Affirmation, proceeding in good faith, being of sound mind, having first-hand knowledge, affirm, state, and declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

In Witness Whereof, I have hereunto set my hand and seal.

Charles A. Davis
Charles Alexander Davis, Secured Party Creditor
ALL RIGHTS RESERVED

CHARLES Davis
c/o J.N. Lawrence,
1635 North Greenhill
Mesa, Arizona [85261]
Non-domestic without the U.S.



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CLERK OF COURT (Case No. 5:11-cr-00032-RW)
UNITED STATES DISTRICT COURT FOR THE WESTERN
DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION
401 West Trade Street
Charlotte NC 28202